



General Assembly

Substitute Bill No. 5133

February Session, 2000

An Act Concerning Representation Of Children And Parents In Juvenile Proceedings.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. There shall be a task force to study the representation of
2 children and parents in juvenile proceedings. Said study shall include,
3 but not be limited to, consideration of (1) what form the delivery of
4 services should take, (2) funding for services, and (3) where the
5 administration of the system for delivery of services should be located.

6 Sec. 2. The task force shall consist of the following members: (1) The
7 Chief Court Administrator or a designee, who shall chair the task
8 force; (2) the Chief Administrative Judge for juvenile matters; (3) two
9 representatives of the Judicial Branch who are knowledgeable about
10 child protection proceedings, appointed by the Chief Court
11 Administrator; (4) the Commissioner of Children and Families, or a
12 designee; (5) the Attorney General, or a designee; (6) the Chief State's
13 Attorney, or a designee; (7) the Executive Director of the Commission
14 on Children, or a designee; (8) the Chief Public Defender, or a
15 designee; (9) the Child Advocate, or a designee; (10) two
16 representatives of the Children and the Law Committee of the
17 Connecticut Bar Association, one of whom shall be the chairperson of
18 said committee and one of whom shall be appointed by the president
19 of the Connecticut Bar Association; (11) two representatives of

20 nonprofit organizations advocating for children in the Superior Court
21 for Juvenile Matters, appointed by the Chief Court Administrator; and
22 (12) two representatives of organizations advocating for parents in the
23 Superior Court for Juvenile Matters, appointed by the Chief Court
24 Administrator; (13) two current juvenile court practitioners from two
25 different Superior Courts for juvenile matters venue districts,
26 appointed by the Chief Court Administrator; and (14) one
27 representative of a nonprofit child advocacy group, appointed by the
28 Chief Court Administrator.

29 Sec. 3. Not later than January 1, 2001, the task force shall submit a
30 report on its findings and recommendations to the joint standing
31 committee of the General Assembly having cognizance of matters
32 relating to judiciary. The task force shall terminate on the date that it
33 submits such report or on January 1, 2001, whichever is later.

34 Sec. 4. Subsection (b) of section 46b-121 of the general statutes is
35 repealed and the following is substituted in lieu thereof:

36 (b) In juvenile matters, the Superior Court shall have authority to
37 make and enforce such orders directed to parents, including any
38 person who acknowledges before said court paternity of a child born
39 out of wedlock, guardians, custodians or other adult persons owing
40 some legal duty to a child or youth therein, as it deems necessary or
41 appropriate to secure the welfare, protection, proper care and suitable
42 support of a child or youth subject to its jurisdiction or otherwise
43 committed to or in the custody of the Commissioner of Children and
44 Families. In addition, with respect to proceedings concerning
45 delinquent children, the Superior Court shall have authority to make
46 and enforce such orders as it deems necessary or appropriate to punish
47 the child, deter the child from the commission of further delinquent
48 acts, assure that the safety of any other person will not be endangered
49 and provide restitution to any victim. Said court shall also have
50 authority to grant and enforce injunctive relief, temporary or
51 permanent in all proceedings concerning juvenile matters. If any order
52 for the payment of money is issued by said court, including any order

53 assessing costs issued under section 46b-134 or 46b-136, the collection
54 of such money shall be made by said court, except orders for support
55 of children committed to any state agency or department, which orders
56 shall be made payable to and collected by the Department of
57 Administrative Services. Where the court after due diligence is unable
58 to collect such moneys within six months, it shall refer such case to the
59 Department of Administrative Services for collection as a delinquent
60 account. In juvenile matters, the court shall have authority to make and
61 enforce orders directed to persons liable hereunder on petition of said
62 Department of Administrative Services made to said court in the same
63 manner as is provided in section 17b-745, in accordance with the
64 provisions of section 17b-81, 17b-223, subsection (b) of section 17b-179,
65 section 17a-90, 46b-129 or 46b-130, and all of the provisions of section
66 17b-745 shall be applicable to such proceedings. Any judge hearing a
67 juvenile matter may make any other order in connection therewith
68 within his authority to grant as a judge of the Superior Court and such
69 order shall have the same force and effect as any other order of the
70 Superior Court. In the enforcement of its orders, in connection with
71 any juvenile matter, the court may issue process for the arrest of any
72 person, compel attendance of witnesses and punish for contempt by a
73 fine not exceeding one hundred dollars or imprisonment not exceeding
74 six months. [Following an adjudication by the court, a fee of two
75 hundred dollars shall be assessed by the court against the parents,
76 guardian or custodian of any child or youth whenever the services of
77 the probation staff for juvenile matters is required.]

78 Sec. 5. Section 46b-135 of the general statutes is repealed and the
79 following is substituted in lieu thereof:

80 (a) At the commencement of any proceeding concerning the alleged
81 delinquency of a child, [the parent or parents or guardian and] the
82 child shall have the right to counsel and be so informed by the judge,
83 and that if [they are] such child is unable to afford counsel that counsel
84 will be provided for [them] such child. Such counsel and such [parent
85 or parents or guardian or] child shall have the rights of confrontation
86 and cross-examination.

87 (b) At the commencement of any proceeding on behalf of a
88 neglected, uncared-for or dependent child or youth, the parent or
89 parents or guardian of the child or youth shall have the right to
90 counsel, and shall be so informed by the judge, and that if they are
91 unable to afford counsel, counsel will be provided for them, and such
92 counsel and such parent or guardian of the child or youth shall have
93 the rights of confrontation and cross-examination.

94 Sec. 6. This act shall take effect July 1, 2000, except that sections 4
95 and 5 shall take effect October 1, 2000.

JUD Committee Vote: Yea 36 Nay 1 JFS